



June 15, 2004 CPC
July 20, 2004 CPC
August 17, 2004 CPC
September 22, 2004 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0257

Chester Development Associates, L.C.

Bermuda Magisterial District
Ecoff Elementary School, Chester Middle School
and Thomas Dale High School Attendance Zones
North, south and west lines of DeLaval Street

REQUEST: Rezoning from Agricultural (A) to Community Business (C-3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

The subject property is to be incorporated into the limits of the adjacent Neighborhood Residential Tract of the Chester Village Green development.
(Proffered Condition 1)

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON
PAGES 2 AND 3.

STAFF RECOMMENDATION

Recommend denial for the following reasons:

- A. While the proposed zoning and land uses conform to the Chester Village Plan which suggests the property is appropriate for residential use with a density of 2.51 to 8 units per acre, the application does not address the transportation concerns, as discussed herein.
- B. The application fails to address construction of a North-South Arterial.

- C. The proffered condition does not adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered condition does not mitigate the impact on capital facilities, thereby not insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

- (CPC) 1. The request property shall be subject to the regulations as outlined for the Residential Neighborhood Tract in the proffered conditions, conditions and Textual Statement for Case 95SN0309. (P)
- (CPC) 2. The developer shall pay to the county \$33,000 towards the construction of the North-South Arterial from the southern property line to the northern property line. Prior to recordation of any lots, the developer shall provide to the county a bond or other surety, in a form acceptable to the County Attorney and in an amount of \$33,000 to ensure such payment. At such time as construction of the North-South Arterial has been completed to either the northern or southern property line, the developer shall provide \$33,000 payment to the county. After seven (7) years from the date that the county receives the bond or other surety, if construction of the North-South Arterial has not been completed to either the northern or southern property line, at the request of the developer, the county shall return the bond or other surety to the developer and the developer shall be relieved of the obligation to provide such payment. (T)
- (CPC) 3. There shall be no direct access from the property to the North-South Arterial adjacent to the property. (T)
- (CPC) 4. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
- A. For all dwelling units initially constructed with more than 2 bedrooms:

1. \$9,000 per dwelling unit, if paid prior to July 1, 2004; or
 2. The amount approved by the Board of Supervisors not to exceed \$9,000 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
- B. For all dwelling units initially constructed with 2 or less bedrooms and for each dwelling unit designated for Elderly/Retirement Housing (as defined in case 95SN0309):
1. \$4,815 per dwelling unit, if paid prior to July 1, 2004. At the time of payment the \$4,815 will be allocated to capital facilities categories as follows: Parks - \$598, Libraries - \$324, Fire Stations - \$346, Roads - \$3,547; or
 2. The amount approved by the Board of Supervisors not to exceed \$4,815 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004. Payments in excess of \$4,815 will be prorated as set forth above.
- C. Building plans submitted for building permits shall designate the number of bedrooms in each dwelling unit.

In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)

GENERAL INFORMATION

Location:

North and south lines of DeLaval Street, east of Womack Road, as well as west line of DeLaval Street. Tax IDs 787-656-3321 and 4161 (Sheet 26).

Existing Zoning:

A

Size:

7.9 acres

Existing Land Use:

Single family residential

Adjacent Zoning and Land Use:

North and South - A; Single family residential

East - C-3 with Conditional Use Planned Development; Single family residential (under construction)

West - A; Single family residential and public/semi-public (Chester Linear Park)

UTILITIES

Public Water System:

There is an existing eight (8) inch water line extending along a portion of Womack Road, approximately 100 feet west of this site. In addition, a twelve (12) inch water line extends along Chester Village Drive and terminates at DeLavial Street, adjacent to the northeast corner of this site and a sixteen (16) inch water line is along a portion of DeLavial Street and terminates approximately 445 feet south of the request site. Use of the public water system is intended and has been proffered. (Case 95SN0309, Proffered Condition B.1.)

Public Wastewater System:

An eight (8) inch wastewater collector line extends along Village Creek Drive and terminates adjacent to Village Garden Drive, approximately 450 feet east of the request site. Use of the public wastewater system is intended and has been proffered. (Case 95SN0309, Proffered Condition B.1.)

ENVIRONMENTAL

Drainage and Erosion:

The property drains east through Village Green, which is currently under construction. There are no existing or anticipated on- or off-site, drainage or erosion problems.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program as is further detailed by specific departments in the applicable sections of this "Request Analysis". This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the new stations, the Plan also recommends the expansion of five (5) existing stations. Based on 110 dwelling units, this request will generate approximately twenty-five (25) calls for fire and EMS each year. The applicant has not offered measures to assist in addressing the impact of this development on fire and EMS facilities.

The Chester Fire Station, Company Number 1, and Bensley Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Approximately fifty-nine (59) students will be generated by this development. The site lies in the Ecoff Elementary School attendance zone: capacity - 759, enrollment - 813; Chester Middle School zone: capacity - 825, enrollment - 768; and Thomas Dale High School zone: capacity - 1840, enrollment - 2005.

There are currently four (4) trailers at Ecoff Elementary. The applicant has not offered measures to assist in addressing the impact of this development on school capital facilities.

Libraries:

Libraries has not responded to this proposal.

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan also identifies shortfalls in trails and recreational historic sites.

The applicant has not offered measures to assist in addressing the impact of this proposed development on these Parks and Recreation facilities.

Transportation:

In 1995, the Board of Supervisors rezoned approximately eighty-four (84) acres to allow development of a mixed-use project (Chester Village Green) that includes retail, office, residential and public/semi-public land uses (Case 95SN0309). The applicant has proffered

that the subject property (eight (8) acres), which is planned for single family residential use, will be incorporated into the Chester Village Green Project (Proffered Condition 1). Based on single-family trip rates, development could generate approximately 240 average daily trips. It is anticipated that the majority of these vehicles will initially be distributed along Chester Village Drive to Route 10, which had a 2004 traffic count of 24,746 vehicles per day. Some of these vehicles are also anticipated to travel on Chester Village Drive, through the Chesterbrook Farms and Hillandale Subdivisions, to Ecoff Avenue, which had a 2004 traffic count of 2,534 vehicles per day.

The Thoroughfare Plan identifies a proposed north-south major arterial (the “North/South Arterial”), located along the western boundary of the property. This proposed roadway extends from Chester Road, south across Route 10 to the planned north/south and east/west freeways. This roadway will serve as a major link between Route 10 and the planned freeways, and it will provide relief to many of the existing roads in this area.

In the early 1980’s, the County acquired from the Seaboard Coastline Railroad a right of way, approximately 100 feet in width, from Chester Road to Branders Bridge Road. The alignment of the North/South Arterial falls within the abandoned railroad right of way. In April 2004 the Board of Supervisors approved rezoning (Case 04SN0170, Henry D. Moore and Kenneth R. Turner) of 73 acres on the south side of Route 10 adjacent to this abandoned railroad right of way. In conjunction with this approval, the Board accepted a proffered condition regarding the potential for partial funding of the North/South Arterial if any portion of the road is constructed from Route 10 to Branders Bridge Road. The applicant should proffer a similar condition regarding funding of the road if any portion of the North/South Arterial is constructed between Route 10 and Chester Road.

The applicant has submitted a proffered condition regarding the potential for partial funding of the North/South Arterial (Proffered Condition 2). The proffer would require the applicant to submit a bond or other surety in the amount of \$33,000 towards the construction of the road from Route 10 to Chester Road. If this road is constructed to the northern or southern property lines, the developer would provide a payment of \$33,000. After seven (7) years from posting the bond or other surety, if construction of the road has not been completed to either property line, the bond or surety would be released and the applicant would have no obligation to provide payment. Because the applicant has not proffered to make this payment when construction of this road commences between Route 10 and Chester Road, the Transportation Department cannot support this request.

Access to major arterials, such as the North/South Arterial, should be controlled. The applicant has proffered that no direct access will be provided from the property to North/South Arterial. (Proffered Condition 3)

The traffic impact of this development must be addressed. Most area roads in this part of the county have little or no shoulders, fixed objects adjacent to the edge of pavement, and poor vertical and horizontal alignments (i.e. Chalkley Road, Centralia Road, Ecoff Road). As development continues in this part of the county, traffic volumes on area roads will

substantially increase. The roads will need to be improved to address safety and accommodate the increase in traffic. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development. Cash proffers alone will not cover the cost of the road improvements needed in this area. There are two (2) public road improvement projects in this area currently included in the Six-Year Improvement Plan. The first is a project to improve the shoulders along Chalkley Road north of Wellington Farms and the second is a project to improve the curve along Hopkins Road from Old Cannon Road to Jaymont Drive. Construction of both of these projects is anticipated to begin in spring of 2006.

As previously stated, the Transportation Department cannot support this request because the applicant is not willing to contribute cash for construction of the North/South Arterial when construction of the road has commenced between Route 10 and Chester Road.

Financial Impact on Capital Facilities:

		<u>PER UNIT</u>
Potential Number of New Dwelling Units	110*	1.00
Population Increase	299.20	2.72
Number of New Students		
Elementary	26.40	0.24
Middle	14.30	0.13
High	18.70	0.17
TOTAL	59.40	0.54
Net Cost for Schools	533,170	4,847
Net Cost for Parks	76,230	693
Net Cost for Libraries	41,250	375
Net Cost for Fire Stations	44,110	401
Average Net Cost for Roads	451,990	4,109
TOTAL NET COST	1,146,750	10,425

*Based on a proffered maximum of fourteen (14) units per acre as indicated in the conditions for Case 95SN0309. Actual number of units and corresponding impact may vary. Note that while 110 units can be developed on the subject parcel, the application limits the number of units so as not to exceed the overall amount of units permitted in accordance with 95SN0309. (Condition 1)

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would

defray the cost of the capital facilities necessitated by this proposed development. Staff has reviewed this request in accordance with the Board's policy as amended in 2002. The amendment discontinued past practice of allowing the transfer of density credits from one property to another. While this request limits the overall number of dwelling units permitted in accordance with Case 95SN0309 resulting in no net increase in dwelling units, the units that can be developed on this property are subject to impact calculations in accordance with current calculations, not those in effect at the time of approval of Case 03SN0309.

The applicant has offered cash in the amount of \$9,000 per unit for units with more than two (2) bedrooms and \$4,815 for units with two (2) or less bedrooms (Proffered Condition 4). The reduced amount proffered for units with two (2) or less bedrooms does not adequately address the impact of this development on school facilities. Consequently, the County's ability to provide adequate school capital facilities will be adversely affected. The applicant has also offered cash in the amount of \$4,815 for age-restricted units and staff finds this proffer acceptable.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case. Staff recommends that the applicant fully address the impact of this request on capital facilities in the case of those units with two (2) or less bedrooms. The Planning Commission and the Board of Supervisors, through their consideration of this request, may determine that there are unique circumstances relative to this case that may justify acceptance of proffers as offered.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Chester Village Plan which suggests the property is appropriate for residential use of 2.51 to 8.0 units per acre.

Area Development Trends:

Adjacent properties to the north, south and west are zoned Agricultural (A) and are occupied by single family residential uses and public/semi-public use (Chester Linear Park) or remains vacant. Adjacent property to the east was zoned and is being developed as part of the Chester Village Green development. The subject property is to be incorporated into this development. The Plan anticipates residential development continuing in this area.

Development Standards:

Currently the request property lies within the Chester Village Core area and is subject to Village District standards. The Village District development standards are intended to recognize unique villages within the County and to maintain and reinforce the character, identity and pedestrian scale by continuing and enhancing existing patterns of development. Where not addressed in the Textual Statement, proffered conditions and conditions of Case 95SN0309, development of the site must conform to the requirements of the Zoning

Ordinance which address, among other standards, access, landscaping, architectural treatment, setbacks, parking, signs, buffers and utilities.

Uses:

With approval of Case 95SN0309 uses in the Residential Neighborhood Tract were limited to detached and attached townhouse and multiple family dwelling units; maintenance facilities for the overall development; marketing/sales centers used to market the development; public and private parks, playgrounds, and passive recreation uses and/or athletic fields; and under certain restrictions stipulated in the Textual Statement, churches and other places of worship (including as accessory uses child or day care centers, nursery schools, and kindergartens); dwelling units separated from principal dwelling units; and second dwelling units within a principal structure.

These uses would be permitted on the subject property as part of the Residential Neighborhood Tract with approval of this request.

CONCLUSIONS

While the proposed zoning and land uses conform to the Chester Village Plan which suggests the property is appropriate for residential use with a density of 2.51 to 8 units per acre, the application does not address the transportation concerns, as discussed herein.

In addition, the proffered condition does not adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered condition does not adequately mitigate the impact on capital facilities, thereby not insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens. Specifically, the application does not address the impact of the proposed dwelling units on this specific property. The applicant contends that even with this additional property, the “Chester Village Development” will not exceed the number of units permitted in the area already zoned. The Board’s policy does not support transfer of “credits”.

Further, the application fails to address construction of a north-south arterial, as discussed in the transportation section of this analysis. Given these considerations, denial of this request is recommended.

CASE HISTORY

Planning Commission Meeting (6/15/04):

At the request of the applicant, the Commission deferred this case to July 20, 2004.

Staff (6/16/04):

The applicant was advised in writing that any significant new or revised information should be submitted no later than June 21, 2004, for consideration at the Commission's July 20, 2004, public hearing. Also, the applicant was advised that a \$500.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (6/28/04):

To date, no new information has been received. The applicant paid the \$500.00 deferral fee.

Applicant (7/20/04):

An additional proffered condition relative to the payment for construction of the North-South Arterial road along the western property line was submitted.

Planning Commission Meeting (7/20/04):

On their own motion, the Commission deferred this case to August 17, 2004.

Staff (7/21/04):

The applicant was advised in writing that any significant new or revised information should be submitted no later than July 26, 2004, for consideration at the Commission's August 17, 2004, public hearing.

Applicant (7/26/04, 7/29/04 and 7/30/04):

Revised Proffered Conditions were submitted.

Planning Commission Meeting (8/17/04):

The applicant did not accept staff's recommendation, but did accept the Commission's recommendation. There was no opposition present.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission recommended approval and acceptance of the proffered conditions on pages 2 and 3.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, September 22, 2004, beginning at 7:00 p.m., will take under consideration this request.

NORTH



04SN0257

ROUTE 10

LEWIS RD

CHESTER RD

NORTH/SOUTH ARTERIAL

JEFF DAVIS HWY

HARROWGATE RD

BRANDERS BRIDGE RD

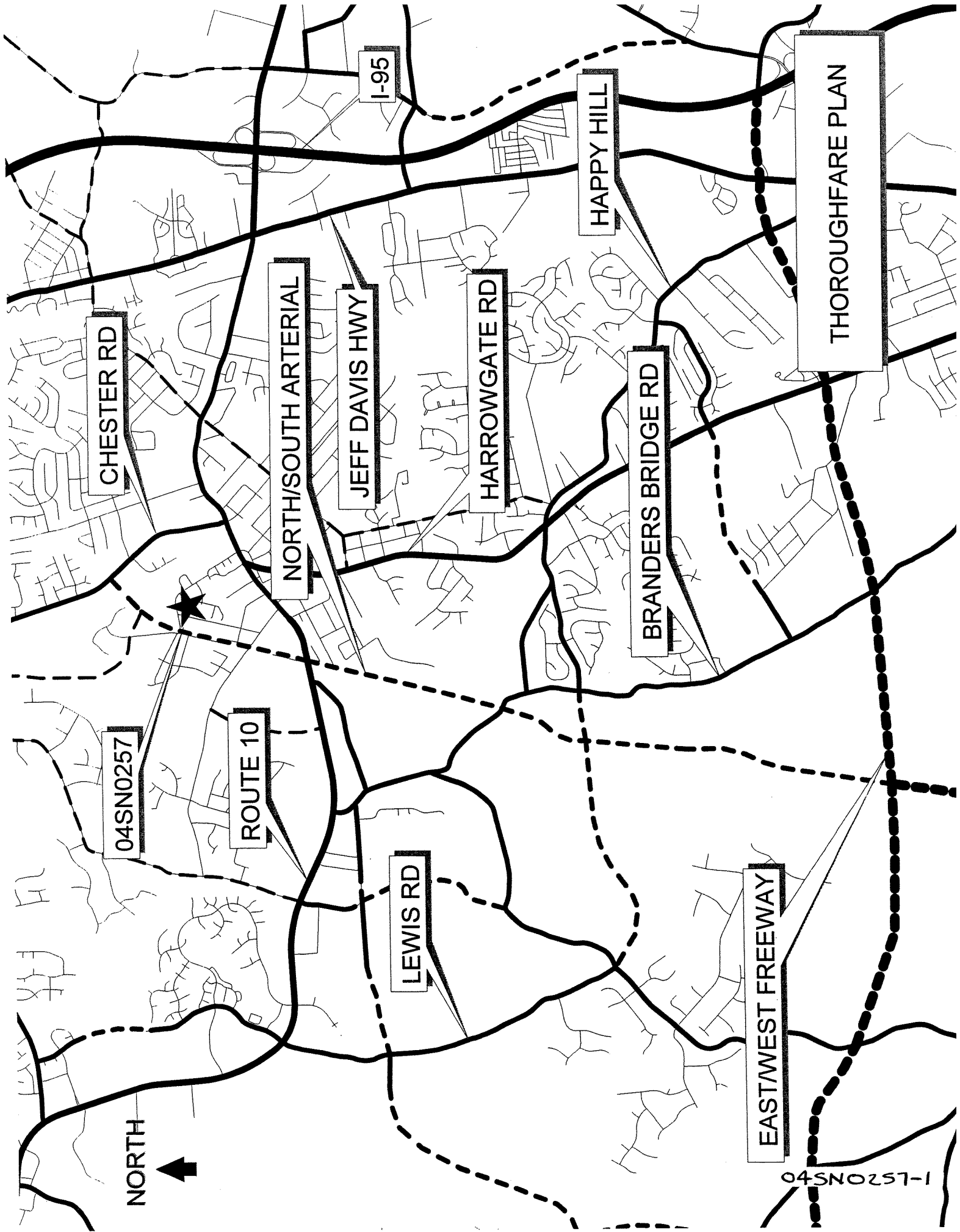
HAPPY HILL

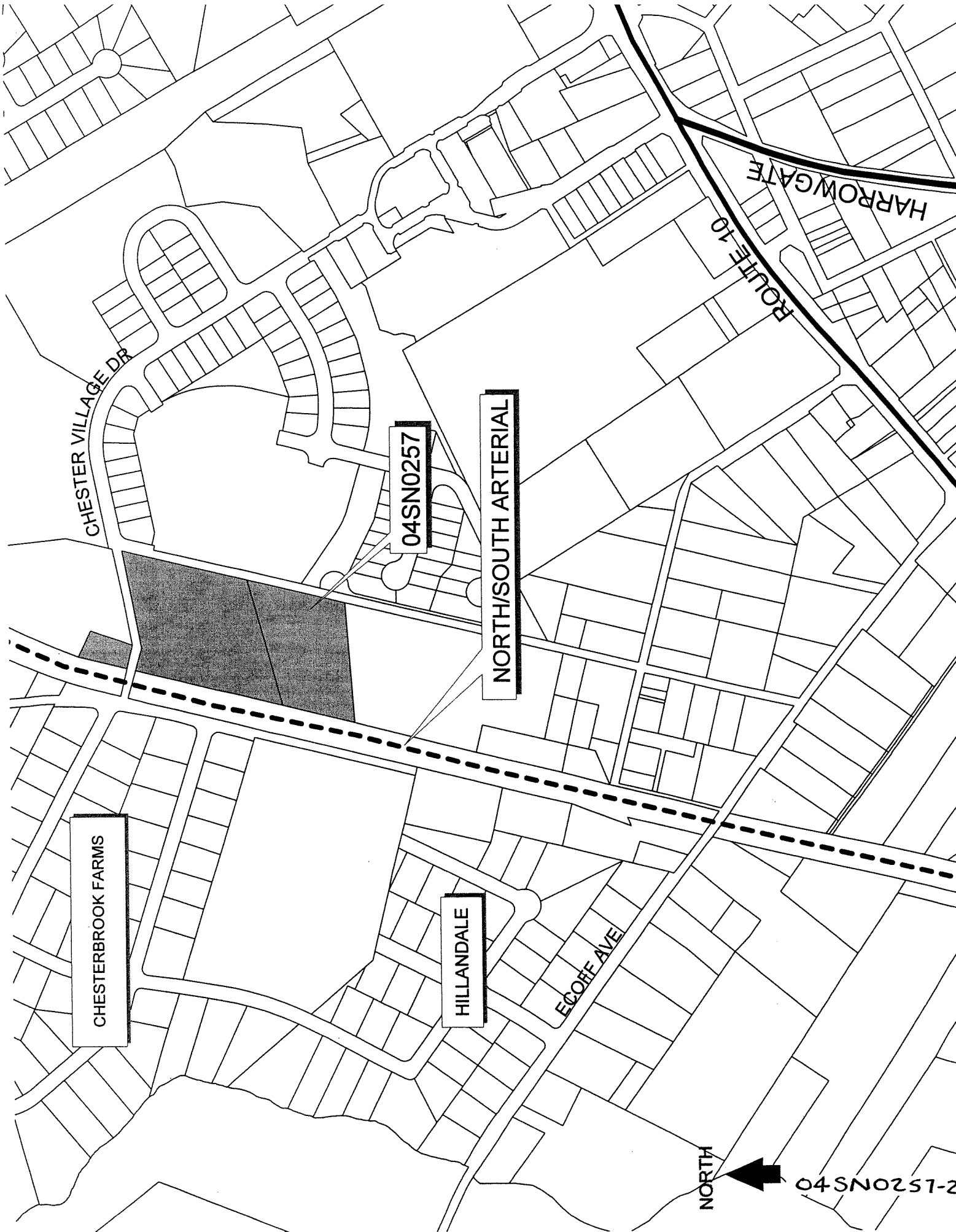
I-95

EAST/WEST FREEWAY

THOROUGHFARE PLAN

1-LS2ONS40





CHESTER VILLAGE DR

04SN0257

NORTH/SOUTH ARTERIAL

CHESTERBROOK FARMS

HILLANDALE

ECOFF AVE

ROUTE 10
HARROWGATE

04SN0251-2
NORTH